

IN THE MATTER OF: * BEFORE THE COMMISSION
JUDGE PAMELA J. WHITE * ON
CJD 2014-114 * JUDICIAL DISABILITIES

* * * * *

To: JUDGE PAMELA J. WHITE
CIRCUIT COURT OF MARYLAND FOR BALTIMORE CITY
EIGHTH JUDICIAL CIRCUIT

CHARGES

TAKE NOTICE that the Commission on Judicial Disabilities (hereinafter the “Commission”) has caused to be made and completed an investigation, through its Investigative Counsel, Carol A. Crawford, of Judge Pamela J. White (hereinafter sometimes referred to as “Judge”), who was, at all pertinent times, a Judge of the Circuit Court of Maryland for Baltimore City. The Commission notified Judge White of the nature of the investigation, and afforded the Judge an opportunity to present information bearing on the subject of the investigation.

The Commission has received and considered information from the investigation, including, but not limited to: complaints and attachments filed by the complainant, audio and visual recordings of the underlying court hearings, the Judge’s response, the recommendation of Investigative Counsel, the Report of the Judicial Inquiry Board, and the Judge’s Objections to the Report of the Judicial Inquiry Board. In consideration of the foregoing and a finding by the Commission of probable cause to believe that Judge White has committed sanctionable conduct, the Commission directed that Investigative Counsel initiate formal proceedings, pursuant to Maryland Rule 16-808(a), against Judge White.

The Commission will conduct a public hearing on these charges pursuant to Maryland Rule 16-808. The following facts form the basis for these charges and the Commission’s

probable cause determination:

1. Judge White has served as a Judge of the Circuit Court of Maryland for Baltimore City since 2007.
2. Based upon complaints filed by Rev. Rickey Nelson Jones, Esq. and received on October 20, 2014 and November 17, 2014, respectively, the Commission's Investigative Counsel opened an investigation regarding Judge White's conduct while she was sitting in the Circuit Court for Baltimore City in *Joyner v. Veolia Transportation Services, Inc., et al.*, Case Number 24C14000589, on May 5, 2014, October 15, 2014 and October 31, 2014. The investigation was focused on allegations that Judge White had failed to recuse herself from further proceedings after stating on the record that she was biased and prejudiced against Rev. Jones, and that she was generally unprofessional in her demeanor towards Rev. Jones.
3. Investigative Counsel obtained and reviewed audio and visual recordings of all aforementioned hearings in their totality. In addition, the two initial complaints filed by Rev. Jones, including attachments, all subsequent submissions by Rev. Jones, the letter of response submitted by Judge White, through counsel, dated May 18, 2015, the Objections to the Report of Judicial Inquiry Board filed by Judge White, and all correspondence submitted by Judge White, through counsel, were reviewed and considered as part of this investigation.
4. The investigation revealed sanctionable conduct by Judge White with regard to her failure to recuse herself from the October 31, 2014 hearing.
5. Judge White's conduct was in violation of Rules 1.1, 1.2, 2.2, 2.3(a), and 2.11(a)(1) of the Maryland Code of Judicial Conduct as found in Maryland Rule

16-813. In addition, Judge White's conduct was in violation of General Provisions C-101, C-102 and C-103 of the Maryland Code of Judicial Conduct as found in Maryland Rule 16-813. The pertinent provisions of the Rules provide as follows:

Rule 1.1. COMPLIANCE WITH THE LAW

A judge shall comply with the law, including this Code of Judicial Conduct.

Rule 1.2. PROMOTING CONFIDENCE IN THE JUDICIARY

- (a) A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.
- (b) A judge shall avoid conduct that would create in reasonable minds a perception of impropriety.

Rule 2.2. IMPARTIALITY AND FAIRNESS

A judge shall uphold and apply the law and shall perform all duties of judicial office impartially and fairly.

Rule 2.3. BIAS, PREJUDICE, AND HARASSMENT

- (a) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

Rule 2.11 DISQUALIFICATION

(a) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including the following circumstances:

- (1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.

GENERAL PROVISIONS

C-101 -- An independent, fair, competent, and impartial judiciary composed of men and women of integrity who will interpret and apply the law that governs our society is indispensable to our system of justice. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.

C-102 -- Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.

C-103 -- This Code of Judicial Conduct establishes standards for the ethical conduct of judges and judicial candidates. It is not intended as an exhaustive guide for the conduct of judges and judicial candidates, who are governed in their judicial and personal conduct by general ethical standards as well as by this Code. This Code is intended, however, to provide guidance and assist judges in maintaining the highest standards of judicial and personal conduct, and to provide a basis for regulating their conduct through disciplinary agencies.

6. The investigation specifically revealed the following facts upon which the charges are based:

Judge White presided over certain hearings in a civil matter captioned as *Joyner v. Veolia Transportation Services, Inc., et al.*, Case Number 24C14000589, in which Rev. Jones represented the plaintiff. At issue in this investigation was Judge White's conduct during the May 5, 2014, October 15, 2014 and October 31, 2014 hearings.

On October 15, 2014, the case was called before Judge White for a trial on the merits. Prior to the trial, Judge White first heard argument from Rev. Jones on his

motion to recuse Judge White from the case. Rev. Jones argued that the court had exhibited “harshness” toward his client, had not shown his client consideration for her disabilities, and had “insulted” him at the May 5, 2014 hearing.

Following Rev. Jones’ argument, Judge White began her oral ruling by referencing Maryland Rule 2.11, as found in Maryland Rule 16-813, and stating, “I strongly believe that there was no insult and no basis or obvious prejudice as to Mr. Jones and his qualifications back in May.” Judge White then made the following statement before granting Rev. Jones’ motion for recusal:

“...[B]ecause I am incredulous, because I am in disbelief, because I find myself incapable of believing virtually anything that Mr. Jones has just told me, I’m in the unfamiliar territory of finding that I must recuse myself from any further proceedings in this case because I cannot believe anything that the Reverend Rickey Nelson Jones Esquire – I’m reading off the letterhead – tells me. I think that 99% of what Mr. Jones has told me about his conduct on behalf of his client is pure bullshit! So I’m forced to recuse myself and I can’t get past the idea that I cannot believe a darn thing that Mr. Jones tells me now. So I am compelled under Rule 16-813, Rule 2.11 to disqualify myself in any further proceedings in this case, because I now believe based on Mr. Jones’ conduct and representations in this case, in his discussion and exploration of

who struck John in recent days about his request for accommodation, all without following the precise instructions and procedures in the Scheduling Order and the website and resources available to him, I find that I cannot be impartial. I am personally biased or prejudiced concerning Mr. Jones and his conduct. So, I'm going to recuse myself."

Following this statement, Judge White turned to the motion for postponement filed by Rev. Jones. When Rev. Jones stated that he had appeared in postponement court the previous day, Judge White pointed toward and yelled at Rev. Jones for failing to advise opposing counsel. Judge White then stated as follows:

"I am dumbfounded at your irresponsible behavior, Mr. Jones. All the more reason I am compelled by your dumbfounding behavior to recuse myself because I cannot believe a single word you say. And what I am compelled to do now because the Rules of Professional Conduct and the Judicial Code compel me to do so is to reexamine what I just said and heard and reported on the record whether I must report you to the Attorney Grievance Commission."

Judge White concluded the hearing with the following statement:

“As for you, Mr. Jones, I have no way of knowing whether my pique and my frustration as to your performance in recent days will warrant my recusal in any further and future cases pending before this court. I take each case as it comes. . . While I’m shocked, frustrated, appalled, and consequently don’t believe anything Mr. Jones has told me about the conduct of his office and himself in this case, and I don’t believe that he has honored the court’s orders in this case, I don’t understand or believe that necessarily will carry over to any future other cases. I will take each case as it comes.”

Judge White further stated that she would not recuse herself from a prescheduled October 31, 2014 hearing because “it’s my responsibility to address it.” That hearing required Rev. Jones to show cause why he should not be held in constructive civil contempt for failing to comply with the Scheduling Order issued in this case. Following the October 15 hearing, Rev. Jones filed a motion requesting Judge White’s recusal from the Show Cause hearing (which was later denied by the Administrative Judge subsequent to the Show Cause hearing).

On October 31, 2014, Judge White presided over the Show Cause hearing as scheduled. Judge White took particular issue with Mr. Jones’ failure to file the

proper motion to request his client's absence from the pretrial conference. Mr. Jones stated that he believed that he had satisfied the relevant rules and procedures by requesting in his pretrial statement that his client be excused from the pretrial conference due to her health issues. When Mr. Jones cited case authority to support his proceeding in that manner, Judge White noted, "How interesting that it's captioned an Attorney Grievance complaint." There were no other witnesses or evidence submitted during the hearing other than Rev. Jones' own statements and argument.

At the conclusion of the hearing, Judge White found Rev. Jones in contempt for his failure and refusal to comply with the Scheduling Order and pretrial conference procedures. She stated that Mr. Jones' argument that he complied with said order and procedures was "shocking" and was "soundly and roundly rejected". During her oral ruling and by written order dated November 12, 2014, Judge White ordered Rev. Jones to pay attorney's fees to opposing counsel related to his appearing at the pre-trial conference and the Show Cause hearing, and to write letters of apology to the director of the alternative dispute resolution (ADR) program and to Judge Paul Alpert for his "rude and uncivil behavior" at the pretrial conference. Judge White made no mention at any time during the October 31, 2014 hearing, or within the written order, that she had previously recused herself from the case.

7. Judge White's behavior provides evidence that Judge White engaged in conduct

that was prejudicial to the proper administration of justice in Maryland Courts,
pursuant to the Maryland Constitution, Article IV, Section 4B(b)(1).

These charges, as authorized by the Commission on Judicial Disabilities, are issued by
Investigative Counsel.

COMMISSION ON JUDICIAL DISABILITIES

Date: March 31, 2016

Carol A. Crawford
Investigative Counsel

Date: 3/24/2016

Tanya C. Bernstein
Assistant Investigative Counsel

NOTICE: YOU HAVE THE RIGHT, PURSUANT TO RULE 16-808(c) OF THE MARYLAND RULES, TO FILE A WRITTEN RESPONSE TO THIS COMPLAINT WITHIN THIRTY (30) DAYS AFTER SERVICE OF THIS NOTICE UPON YOU. AN ORIGINAL AND ELEVEN (11) LEGIBLE COPIES OF THE RESPONSE ARE REQUIRED. THE RESPONSE SHOULD BE PROVIDED TO THE COMMISSION ON JUDICIAL DISABILITIES.